

## Message Text

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SUBJECT: PREPARATORY INTERGOVERNMENTAL COMMITTEE FOR  
THE REVISION OF THE PARIS INDUSTRIAL PROPERTY CONVENTION

1. THE THIRD SESSION OF THE WORKING GROUP ENTRUSTED WITH  
QUESTION OF SPECIAL INTERESTS TO DEVELOPING COUNTRIES  
(WGQDC) HELD VERY LIMITED DISCUSSIONS ON A NUMBER OF  
QUESTIONS, INCLUDING NEW TEXTS PROPOSED BY G-77 ON  
ARTICLE 5 QUATER, STRENGTHENED PROTECTION FOR GEOGRAPHICAL  
INDICATIONS OF SOURCE, AND INDEPENDENCE OF TRADEMARKS.  
THE DEBATE ON GEOGRAPHICAL INDICATIONS LED TO THE  
ESTABLISHMENT OF A CONTACT GROUP WHERE THE U.S. FACED  
A CONCERTED EFFORT BY SOME EUROPEAN COUNTRIES TO NUDGE  
THE U.S. TOWARD PROVIDING STRONG PROTECTION IN ITS  
NATIONAL LAWS. THE CONTACT GROUP DISCUSSION ENDED WITH  
GROUP B AGREEMENT TO STUDY THE GEOGRAPHICAL INDICATION  
QUESTION IN DEPTH PRIOR TO THE NEXT MEETING OF THE  
PREPARATORY INTERGOVERNMENTAL COMMITTEE ON THE REVISION  
OF THE PARIS CONVENTION (PIC) IN NOVEMBER. THE WGQDC  
RECOMMENDED TO THE PIC THAT THE QUESTION OF PROVIDING  
PREFERENTIAL TREATMENT WITHOUT RECIPROCITY TO LDC'S  
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AND OF DELETING ARTICLE 5 QUATER BE PLACED ON THE AGENDA  
OF THE DIPLOMATIC CONFERENCE WITH NO AGREEMENT AS TO  
WHAT THE CONFERENCE SHOULD DO WITH THESE MATTERS. THE  
WGQDC RECOMMENDED THAT THE QUESTION OF PLACING A  
SPECIFIC TIME LIMIT IN ARTICLE 5C(1) BE DISCUSSED AT THE  
NOVEMBER PIC MEETING ONLY IF ALL THREE REGIONAL GROUPS  
(B, 77, D) AGREED. FINALLY, THE WGQDC RECOMMENDED THAT

THE QUESTION OF INDEPENDENCE OF MARKS BE DISCUSSED IN  
JUNE 26-30 MEETING OF THE PIC.

2. THE FOURTH SESSION OF THE WORKING GROUP OF INVESTORS' CERTIFICATES (WGIC) HELD A VERY BRIEF AND INCOMPLETE DISCUSSION ON A GROUP B PROPOSAL TO MORE FULLY INCORPORATE INVENTORS' CERTIFICATES INTO THE CONVENTION. IN AN EFFORT TO RESOLVE THIS IMPASSE, THE DIRECTOR GENERAL OF WIPO WAS REQUESTED TO TRY TO DEVELOP A DRAFT PROPOSAL ON WHICH FURTHER DISCUSSIONS COULD BE BASED. IN ANY EVENT, THE WGIC WILL MEET AGAIN IN NOVEMBER.

3. THE FOURTH SESSION OF PREPARATORY INTERGOVERNMENTAL COMMITTEE AGREED: TO PLACE PREFERENTIAL TREATMENT AND ARTICLE 5 QUATER ON THE AGENDA OF THE DIPLOMATIC CONFERENCE; TO SCHEDULE FURTHER DEBATE IN ITS NOVEMBER MEETING ON GEOGRAPHICAL INDICATIONS OF SOURCE AND INVENTORS' CERTIFICATES; TO TAKE UP AT ITS NOVEMBER MEETING THE TWO CANADIAN PROPOSALS ON ARTICLES 4B AND 4 BIS (5) AND THE FINAL CLAUSES OF THE NEW TEXT OF THE CONVENTION; AND TO DISCUSS IN NOVEMBER THE TIME LIMIT IN ARTICLE 5C(1) AND PROTECTION OF THE OLYMPIC SYMBOL ONLY IF ALL REGIONAL GROUPS AGREED. THE PIC DISCUSSED THE QUESTION OF INDEPENDENCE OF MARKS, BUT NO CONCLUSION WAS REACHED AND NO FURTHER ACTION WAS RECOMMENDED.

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4. DURING THE PIC, THE U.S. DELEGATION REQUESTED THE PARAGRAPH CONCERNING EXCLUSIVE NON-VOLUNTARY LICENSE IN NEW DRAFT ARTICLE 5A BE DISCUSSED AT THE NOVEMBER PIC MEETING, WITH STRONG GROUP B SUPPORT FOR THE REPORT. G-77 OPPOSED ON PROCEDURAL GROUNDS AND GROUP D DEFERRED TAKING A FINAL POSITION UNTIL IT HAD STUDIED THE PAPER PREPARED BY THE UNITED STATES. THE U.S. DELEGATION STATED ITS SORROW AT THIS REJECTION OF ITS PROPOSAL, THAT IT WOULD NOT PRESS THE ISSUE NOW, BUT NOTED THE RISKS THIS IMPLIED FOR A SUCCESSFUL DIPLOMATIC CONFERENCE.

5. THE PIC ESTABLISHED AN AD HOC WORKING GROUP ON CONFLICT BETWEEN AN APPELATION OR ORIGIN AND A TRADEMARK TO MEET IN NOVEMBER. THE WORKING GROUP WILL HAVE FIVE MEMBERS FROM EACH GROUP AND THE GROUP B MEMBERS ARE: US, FRG, UK, FRANCE AND CANADA.

6. THE PIC ALSO RECOMMENDED (1) THAT THE COMPETENT BODIES OF THE PARIS UNION ESTABLISH AN EIGHTEEN COUNTRY PROVISIONAL STEERING COMMITTEE TO PREPARE FOR THE DIPLOMATIC CONFERENCE, AND (2) THAT A ONE-MONTH DIPLOMATIC CONFERENCE BE HELD LATE IN 1979.

7. THE COUNTRIES OF GROUP B UNANIMOUSLY SELECTED THE  
NEW COMMISSIONER OF PATENTS AND TRADEMARKS, DONALD W.  
BANNER, TO SERVE AS THEIR SPOKESMAN THROUGH THE NOVEMBER  
PIC MEETING.VANDEN HEUVEL

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